

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, : 13cv6705 (DLC)
-v- : 13cv6719 (DLC)
: 13cv6721 (DLC)
MORGAN STANLEY & CO., et al., : 13cv6726 (DLC)
: 13cv6727 (DLC)
Defendants. : 13cv6731 (DLC)
: 13cv6736 (DLC)

And other NCUA Actions. :

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, : 11cv2340 (JWL)
-v- : 11cv2649 (JWL)
: 12cv2591 (JWL)
RBS SECURITIES, INC., f/k/a GREENWICH : 12cv2631 (JWL)
CAPITAL MARKETS, INC., et al., : 12cv2648 (JWL)
: 13cv2418 (JWL)
Defendants. :

And other NCUA Actions. :

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
 Plaintiff, :
-v- :
 : 11cv5887 (GW)
RBS SECURITIES, INC., f/k/a GREENWICH : 11cv6521 (GW)
CAPITAL MARKETS, INC., et al., :
 :
 Defendants. : ORDER
And other NCUA Actions. :
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HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU,
District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On July 13, 2015, NCUA applied for an order pursuant to Fed. R. Civ. P. 26(c)(1)(B) cancelling the Rule 30(b)(6) deposition that RBS seeks to take on July 14 of a Barclays witness. The context for this application is as follows.

Discovery in the three RBS actions in our districts is scheduled to end Friday, July 17, 2015. On July 8, nine days before the discovery cut-off, RBS informed NCUA that it intended to notice a deposition of Barclays regarding the NCUA Guaranteed Notes program. RBS requested that NCUA consent to the deposition occurring on August 5, in order to accommodate the schedule of a Barclays witness who will be travelling from July 14 to August 2. NCUA refused to consent.

On July 9, RBS applied to our Courts to take the Barclays deposition on August 5, outside the discovery cutoff date.

Early on July 11, RBS advised NCUA and our Courts that it was withdrawing its request to take the deposition in August, and that RBS and Barclays had agreed on a date for the deposition to occur before July 17. Shortly thereafter, RBS served a deposition notice identifying the date for the deposition as July 14. NCUA contends that it cannot reasonably prepare for the deposition in one business day. Considering issues of diligence, reasonable notice, and convenience to a third-party witness, it is hereby

ORDERED that the NCUA request to cancel the Barclays Rule 30(b) (6) deposition scheduled for July 14 is denied.

Dated: July 13, 2015

/s/ Denise Cote

United States District Judge

Dated: July 13, 2015

/s/ George H. Wu

United States District Judge

Dated: July 13, 2015

/s/ John W. Lungstrum

United States District Judge

Dated: July 13, 2015

/s/ James P. O'Hara

United States Magistrate Judge